

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
DECEMBER 20, 2011 – 6:00 P.M.  
NEW CITY HALL  
COUNCIL CHAMBERS/AUDITORIUM

Mayor Fred L. Fitch  
Presiding

Also Present:  
Larry Mitchell, City Manager  
Frank V. Jensen, City Attorney  
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Mike Williamson, Northside Southern Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bill Shoemate, Ward One  
Michael Tennis, Ward Two  
Rosemary Bellino-Hall, Ward Three  
Jay Burk, Ward Four  
Rex Givens, Ward Five  
Richard Zarle, Ward Six  
Stanley Haywood, Ward Seven  
Doug Wells, Ward Eight

ABSENT:

None

PRESENTATION OF CERTIFICATE OF APPRECIATION TO THE 77<sup>TH</sup> ARMY BAND

Councilmember Tennis presented a Certificate of Appreciation to the 77<sup>th</sup> Army Band for their assistance with the 2<sup>nd</sup> Annual Fishing for Food event.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Wells requested item #3 be considered separately.

MOVED by Burk SECOND by Tennis to approve the consent agenda with the exception of item #3. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Jaime Acosta Mendez and Sara Acosta in the amount of \$315.96 and Richard and Erin Jimenez in the amount of \$3,497.86 (**Res. 11-117**). Exhibits: Res. 11-\_\_\_ and Legal Opinions/Recommendations.

2. Consider the following damage claim recommended for denial: Tanya Thompson in the amount of \$237.03. Exhibits: Legal Opinion/Recommendation.
3. Consider approving an agreement with The Compassionate Friends organization for the construction and maintenance of a Children's Memorial at Elmer Thomas Park to be sponsored by the Compassionate Friends organization. Exhibits: Cooperative Agreement for Construction and Maintenance of the Compassionate Friends Children's Memorial.

Wells stated Mr. Shahan requested this item be pulled so that he can make a few comments.

Kim Shahan, Parks and Recreation Director, stated he just wanted to acknowledge this group and the effort that has gone into this project. He stated this is a self help organization which offers friendship and understanding to families who are grieving the death of a child. He stated there are some members in attendance.

Gudrun Tendall, member, stated the support group helped her to survive the loss of her child and they look forward to sharing this memorial with the community

Carolyn Ness, member, stated they hope to put memorial bricks down at the memorial as a place they can go to be with their children even though they are buried elsewhere.

Linda Owens, member, stated her son is buried 400 miles from here and there are a lot of people in this community who are faced with this same problem. She stated if a memorial is built they can sit and reflect. She appreciated the help from the council in getting the memorial built.

Shahan stated staff is recommending approval of this agreement.

Wells stated the memorial will be a beautiful addition to Elmer Thomas Park.

Wells stated he would like to see them look at making the circle with those that have been in Iraq, Afghanistan, Korea, World War 1 and World War 2 because they do not have a place to go grieve. They have done nothing to honor the rest of the military other than the Vietnam Veterans.

Mayor Fitch stated there are veteran's organization for all those groups and they would probably like to join the other memorials that are already there.

Burk stated that the Lawton Enhancement Trust Authority will be there to help with this project. He requested they come to a LETA meeting to discuss the project.

MOVED by Wells SECOND by Haywood to approve an agreement with The Compassionate Friends organization for the construction and maintenance of a Children's Memorial at Elmer Thomas Park to be sponsored by the Compassionate Friends organization. AYE: Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate, Tennis. NAY: None. MOTION CARRIED.

4. Consider adopting a resolution approving and authorizing the Lawton-Fort Sill Chamber of Commerce, Inc. to subcontract with the Lawton Industrial Foundation, Inc. for the performance of economic/industrial development services on behalf of the City of Lawton, and authorize the Mayor and City Clerk to execute the subcontract. Exhibits: Resolution 11-118 dated December 9, 2011.
5. Consider approving appointments to boards and commissions. Exhibits: None.

**Airport Authority**

Raymond J. Friedl  
1104 NW 75<sup>th</sup> Street  
Lawton, Oklahoma 73507  
12/31/14

**Library Board**

Patty Neuwirth  
715 Heinzwood Circle  
Lawton Oklahoma 73505  
Unexpired Term 05/31/13

**Mayor's Commission On The Status Of Women**

Dr. Chearlene Glover-Johnson  
Eastern County  
7039 NE Wolf Road  
Elgin Oklahoma 73538  
Unexpired Term 07/09/12

**Waurika Master Conservancy District Board**

Justin Phelps  
7708 Stonegate Drive  
Lawton Oklahoma 73505  
02/08/2016

David R. Towe  
8221 NW Stonebridge Court  
Lawton, Oklahoma 73505  
02/06/2016

6. Consider approval of payroll for the periods of December 12 – 25, 2011.

**OLD BUSINESS ITEMS:**

7. Consider waiving Council Policy 1-6, and if approved, reconsider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for property located at the northwest corner of NE Rogers Lane and NE Angus Place. Exhibits: Agenda item from November 15, 2011, Resolution No. 11-\_\_\_\_, Location Map and Site Plan.

Jensen stated in order to reconsider this item that was on the council agenda the council has to first vote to waive Council Policy 1-6 and requires 2/3 vote of the council members present. To waive this policy it will require six affirmative votes.

MOVED by Givens SECOND by Haywood to waive Council Policy 1-6. AYE: Givens, Haywood, Bellino-Hall. NAY: Burk, Zarle, Wells, Shoemate, Tennis. MOTION FAILED.

8. Consider adopting a Resolution in support of the Complete Streets Policy for the City of Lawton. Exhibits: Resolution No. 11-\_\_ and LPMO Resolution No. 11-05.

Richard Rogalski, Planning Director, stated at the November 15, 2011 meeting, the City Council tabled the discussion of this item and directed staff to meet with Councilmen Zarle, Wells and Bellino-Hall in order to resolve several questions regarding this policy. On December 7, 2011, this meeting was held and the proposed resolution addresses these concerns and not only formalizes the City's commitment to provide safe and convenient facilities for all modes of travel for all users of all ages and mobility levels, but also allows potential grant managers to know that we are serious about complete streets.

Wells stated he requested this item be tabled and the changes Mr. Rogalski brought to the committee were excellent.

MOVED by Wells SECOND by Bellino-Hall to approve **Resolution 11-119** in support of the Complete Streets Policy for the City of Lawton. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED.

#### NEW BUSINESS ITEMS:

9. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2011-2012 from the Lawton-Fort Sill Chamber of Commerce. Exhibits: None.

Bryan Henry, Chairman of the Lawton-Fort Sill Chamber of Commerce, stated the Chamber views their relationship with the City Council as a partnership and in order for them to move the city forward it has to remain a partnership. They enjoy sharing good news and receiving feedback from the council. He stated they have separated the economic development function and brought all the partners from across the city who work on economic development together into one unified group. He introduced Barry Albrick, the CEO and President of the Lawton Industrial Foundation. He stated they closed today on the new chamber building.

Deborah Burch, President of the Lawton Fort-Sill Chamber of Commerce, introduced their new Executive Vice President, Beverly Orr. She stated the co-op group has been restructured so they can maintain a cohesive program and still adhere to the new regulations. She stated they used focus groups to come up with their state and federal agendas. She stated they brought all of the local legislators together to go over their state agenda. The Lawton-Fort Sill Day at the Capitol will be held on February 23, 2012. With regards to tourism, they continue to support existing events in the community that draw visitors into the city. They have changed the guidelines they use to facilitate funding of these events. The marketing efforts include print media, radio and participation at regional travel shows. She stated this year they will participate in the American Bus Association Marketplace where they will try to bring more tour buses to this area. Regarding economic development, there has been a restructuring of the Lawton

Industrial Foundation board of directors. They have brought together all of the leaders in the community that have been doing economic development. They have hired Barry Albrick as the president of the foundation. She stated during the mid year report Councilmember Givens questioned how they knew their advertising was working. They receive over 30 calls per month on their 800 number which is listed on the advertisement. She stated they also receive reader service cards which are in the magazines in which they advertise. She stated it was also suggested that they work closer with the arts community and their tourism director has been working with LPO on a package. She stated they also have continued to work with Lawton Community Theater. They have also changed their reporting process to include status of economic development projects.

10. Hold a public hearing and consider a resolution amending the 2030 Land Use Plan from Industrial to Residential/High Density and an ordinance changing the zoning from I-3 (Light Industrial District) to R-4 (High Density Apartment District) zoning classification on property located at the southeast corner of SW 11<sup>th</sup> Street and Bishop Road. Exhibits: Resolution No. 11-120 (to be provided separately), Ordinance No. 11-61 (to be provided separately), Site Plan, Location Map, Applications and Staff Analysis.

Rogalski stated this request is for 23.965 acres of land located at the southeast corner of SW 11<sup>th</sup> Street and Bishop Road. The applicant is MBW Investments, LLC, and the property owner is Old Fort Harley Davidson. The proposed use is multi-family and senior apartments. The site plan indicates the project would be constructed in three phases: Phase I would consist of 60 units for senior living; Phases II and III would consist of 60 units each for multi-family apartments. The zoning of the surrounding area is I-3 to the north and east, I-1 (Restricted Manufacturing and Warehouse District) and R-1 (Single-Family Dwelling District) to the south, and P-F (Public Facilities District) and C-4 (Tourist Commercial District) to the west. The land use of the surrounding area is vacant to the north; church, commercial, and single-family residential to the south; He & I Construction and UPS to the east; and Lawton-Fort Sill Regional Airport to the west. According to the Lawton-Fort Sill Regional Airport Master Plan this area is not within the Runway Protection Zone or within the high noise contours (65 DNL or higher), but it is located in Zone 2 of the proposed Airport Environs Noise District Overlay per the Lawton-Fort Sill Regional Airport Master Plan. As such, residential uses would only be allowed with the following restrictions:

- Development requires an aviation easement be issued as a condition of, and prior to, the authorization for development.
- A fair disclosure agreement and covenant shall be recorded as a condition of development approval for all permitted uses in the Airport Environs Noise District. All new plats recorded shall be inscribed with the following: *These properties, due to their proximity to Lawton-Fort Sill Regional Airport, are likely to experience aircraft overflights, which could generate noise levels that may be of concern to some individuals.*
- Development is required to incorporate acoustical features as a condition of building permit issuance. Acoustical features include wall and attic insulation, solid core or metal-clad door equipped with a wood or metal storm door, storm or multiple-glazed windows, and mechanical ventilation to provide adequate environmental comfort with all

windows and doors closed. Through-the-door mailboxes, skylights, or other direct openings to the outside are prohibited.

The City Planning Commission (CPC) held a public hearing on December 15, 2011, and made a recommendation to the City Council to deny the rezoning. He stated several people from the neighborhood did speak in favor of the rezoning. Much of the neighborhood feels that the increase in construction would create some revitalization of the area. He stated if council did consider approval of this rezoning, staff would recommend approval of R-3 density because the proposed development meets the R-3 requirements so there is no need for R-4.

Notice of public hearing was mailed to 40 owners of property within 300 feet of the requested area on November 25, 2011, and proper notice was published in *The Lawton Constitution* on November 27, 2011.

#### PUBLIC HEARING OPENED

Barbara McNally, Manager of the Lawton-Fort Sill Regional Airport, stated that the council is the sponsor of the airport and the Airport Authority and when they receive grants and in those grants there are grant assurances that tells the FAA that we will specific things to maintain a safe airport. She stated grant assurance 21 states that the airport sponsor has the obligation to take the appropriate action to zone and to control the existing planned land uses and to make them compatible with aircraft operations of the airport. The FAA recognizes that not all airport sponsors have direct jurisdictional control over the properties near the airport, however for the purposes of evaluating the airport sponsors compliance with the compatible land use assurance, the FAA does not consider that the sponsors lack of direct authority as a reason for the sponsor to decline to take any action at all for the land to achieve land use compatibility outside the airport boundaries. In all cases the FAA expects the sponsor to take the appropriate action to the extent reasonable and plausible to minimize incompatible land use. She stated the FAA looks to us and the City of Lawton to zone the areas around the airport to make it compatible with the use of the airport and residential is not compatible with airport operations. She stated there are a lot of residential areas that are inside their noise contours that they receive complaints from.

Toney Stricklin, Chairman of the Airport Authority, stated the members of the authority met that morning and had a spirited debate and councilmember Haywood expressed his support for this rezoning. He stated in the end the Airport Authority voted to recommend that the city council not approve this rezoning. He stated there should be another parcel of property that would be available for this project. This is the only airport in Lawton and they do not want encroachment to cause problems for the facility which causes difficulty for future growth. The airport is one of the most important economic development tools that a community has and they want to keep the encroachment away from it. He stated American Eagle is doing away with the propeller aircraft and bringing in regional jets. This is an image enhancer for the community. The 2008 master plan states that industrial land uses are compatible but residential land uses are not. He stated a letter from the FAA was distributed to the council.

Dale Nomara, 622 SW Bishop Road, owner of Bellaire Apartments, stated they have rehabbed 200 apartments. She stated they did a market survey of local properties and she feels it would

benefit the community to do a study of housing needs since there has been a new census taken. She stated if developers keep building, you will have complexes going under.

Barbara Boguski, Bellaire Apartments, stated it is fairly unlikely that military personnel would qualify for this type of low income tax credit. She distributed a packet of information to the council. She stated they are about 65% military and she was told by Fort Sill housing that the military personnel make enough money to live off base. She spoke with the Oklahoma Housing Finance Authority and was told that someone with a low income tax credit property must sign a document that says that they will rent to section 8 housing. Properties like theirs are not required to do so because they are not tied to federal funding such as low income tax properties who are subsidized by housing authority or HUD. She stated there are three properties that have been built since the 2005 study, Garretts Landing, Lawton Point and Savannah, and all of these have received tax credits. She requested that the council take a look at what Lawton has built since the 2005 study, which was based on the 2000 census, and determine if there is currently enough housing.

Stan Booker, 38 Sandy Trail Lane, President of Lawton Apartment Association, stated the council should be using more up to date information before they make a decision. The information that has been said at some of the meetings has not been accurate. He stated a felon can live on the property. He stated since the 2005 study, 2,286 apartment units have come on line to service Lawton. The apartment market is divided up by Class A, B, C and D apartments. A Class A apartment would be all of the apartments that are 0-15 years old and priced in the \$775-\$1,200 range. These are estimated to be 40% of the viable market. These are experiencing in the 90% occupancy range. Class B category would be 15-30 years old, priced at \$600-\$900 and they are estimated to be 30% of the viable market. Class C would be unlimited age, priced \$400-\$800 and they are estimated to be 40% of the viable market. Class D are not viable as an investment tool and they don't track these. The competitive damage of a new complex will impact the closest complexes, which would be the Bellaire complex which used to be a Class D. If they lose occupancy they won't be able to stop the decline. This will also add pressure to the market, especially on the C class. He stated the Lawton Apartment Association does not want to come out directly against these apartments, but they feel the information being used is not up to date and they are urging the council to slow down. There is no room in this market to make a mistake.

Mike Nottingham, apartment owner, stated he has rehabbed some D class apartments and have turned them into vital apartments. He hopes the council will consider slowing down on this issue and getting the correct facts before they make a decision on a new complex. It is hard to compete against the federal government. He is an independent owner and he borrows his money from the local bank. He feels he is doing a service to the community with taking these old properties and bringing them up to today's standards. They cannot afford to loose any more tenants and they can't compete with the federal government and tax credits.

Mike Corrales, apartment owner, stated two bedrooms under a tax credit property can be \$569 and a three bedroom can be \$706. That is not a lot different that what they are offering as apartment owners. He stated overall apartments are 82-87% occupied. The economic occupancy is 74-79%. The fact that the Airport Authority has recommended to vote this zoning

down, he feels the council has an obligation to follow the recommendation and vote this down. The data is clear that we don't need affordable housing in Lawton at this time and it will only create a problem. He does not feel an out of state investor should be able to compete unfairly.

Nathaniel Charles Todd, stated he owns five houses in Lawton and he supports the rezoning. He understands the concerns of apartment owners and the Airport Authority, but he feels that Lawtonians should have options. He has not heard anyone talk about the improvements that will result from the rezoning. The people that move in will bring more businesses to the area as well as improve the community. They need to look at what the people in Ranch Oaks and Lawton View are saying. He supports the rezoning of this area.

Ben Mitchell, Zimmerman Properties, stated he appreciates the concerns of the Airport Authority, but he is confused because there are residential areas closer in proximity and he does not understand how an additional 120 units would keep them from future expansion or funding. If the rezoning is approved they are willing to adapt all of the noise reduction requirements. They are also willing to move the buildings back. They would maintain green space pursuant to the binding site plan, it will be professionally landscaped and professionally maintained. They are trying to provide 120 units, 60 for seniors and 60 for families, in an area that needs new development. By providing housing they are allowing those in the low/middle brackets to live in the region of the community they live or grew up in. All of the new units built in Lawton are market value and their rents are much higher. The goal of the tax credit program is to provide affordable housing to those who need it.

#### PUBLIC HEARING CLOSED

Haywood stated he was born and raised on Pennsylvania and attended school at Dunbar. He stated they lease land to Bishop school and there are twenty churches in the area. He stated this is going south, not north. He would not put the City of Lawton or the Airport Authority in jeopardy. He feels the City of Lawton and Ward 7 need these apartments

MOVED by Haywood, SECOND by Givens to adopt **Resolution 11-120** amending the 2030 Land Use Plan from Industrial to Residential/High Density waive the reading of the ordinance, read the title only and establishing an effective date. AYE: Haywood, Shoemate, Bellino-Hall, Burk, Givens. NAY: Zarle, Wells, Tennis. MOTION CARRIED

Jensen stated the proposed ordinance is to change the zoning classification from I-3 to R-4 but the Planning Director is recommending R-3.

Haywood suggested they rezone to R-3.

Jensen stated staff is also recommending all of the conditions listed by the Planning Director as far as the binding site plan.

Haywood stated he would also recommend those conditions.



MOVED by Haywood, SECOND by Shoemate to adopt **Ordinance 11-61** changing the zoning from I-3 to R-3 zoning classification on property located at the southeast corner of SW 11<sup>th</sup> Street and Bishop Road, waive the reading of the ordinance, read the title only. AYE: Haywood, Shoemate, Tennis, Bellino-Hall, Burk, Givens. NAY: Wells, Zarle. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-61

An ordinance changing the zoning classification from the existing classification of I-3 (Light Industrial District) to R-3 (Multiple-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; approving the site plan attached as exhibit A; and authorizing changes to be made upon the official zoning map in accordance with this ordinance.

11. Consider adopting a resolution to support an Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for property located at the southeast corner of SW 11<sup>th</sup> Street and Bishop Road. Exhibits: Resolution No. 11-121, Location Map and Site Plan.

Rogalski stated since the rezoning was approved this item can be moved forward. It is simply a resolution of support. The developer has asked that separate resolutions be passed for the senior housing and for the family housing.

MOVED by Haywood, SECOND by Givens to adopt **Resolution 11-121** to support an Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for senior housing on property located at the southeast corner of SW 11<sup>th</sup> Street and Bishop. AYE: Shoemate, Bellino-Hall, Givens, Haywood, Fitch. NAY: Wells, Tennis, Burk, Zarle. MOTION CARRIED

Wells questioned if the state does not issue the tax credits, will they still build them.

Mr. Mitchell stated if they are not successful in getting the tax credits they probably would not build the units. The tax credits do provide the incentive to build these units in this location.

Wells stated there are already 2,000 new units as well a people investing in current units and it does not make any sense to build more.

MOVED by Haywood, SECOND by Givens to adopt **Resolution 11-122** to support an Oklahoma Affordable Housing Tax Credit application by Zimmerman Properties, LLC to the Oklahoma Housing Finance Agency for affordable housing on property located at the southeast corner of SW 11<sup>th</sup> Street and Bishop. AYE: Shoemate, Givens, Haywood. NAY: Tennis, Bellino-Hall, Burk, Zarle, Wells. MOTION FAILED

12. Consider an ordinance pertaining to alcoholic beverages amending Section 4-2-1-213, Division, 4-2-1, Article, 4-2, Chapter 4, Lawton City Code, 2005, by clarifying that a retail dealer's low-point beer license will be stayed pending an appeal to District Court, providing for severability, and declaring an emergency. Exhibits: Ordinance 11-62.

MOVED by Givens, SECOND by Wells to adopt **Ordinance 11-62**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Tennis, Bellino-Hall, Burk, Givens, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 11-62

An ordinance pertaining to alcoholic beverages amending Section 4-2-1-213, Division, 4-2-1, Article 4-2, Chapter 4, Lawton City Code, 2005, by clarifying that a retail dealer's low-point beer license will be stayed pending an appeal to District Court, providing for severability, and declaring an emergency.

13. Discuss the process under Section C-2-10 of the City Charter to fill the Ward 5 Councilmember position being vacated by Councilmember Rex Givens effective February 1, 2012, including the manner in which nominations will be made to the City Council.

Jensen stated the rules they have to follow comes from the charter and it states that the council, by majority vote of its remaining members, shall fill by appointment, vacancies in the office of Mayor and its own membership until successors are elected for the unexpired term of that office at the next possible municipal election. Depending on if the charter amendments are approved in February, there may be a filing period in April for an election in June. Regarding the process of receiving nominations, in the past the council has received letters of interest and/or a resume or application from people in the ward that are qualified to fill the unexpired term. The Mayor proposed setting some kind of application process and a deadline so they can fill the seat in January before Councilmember Givens departs.

Mayor Fitch stated if a person was normally filing for the council seat they would go to the County Election Board and file an application. He suggested that interested persons file an application with the City Clerk and they set a deadline of January 5<sup>th</sup>. The council would interview the top two, three or four applicants and then address it at the January 10<sup>th</sup> council meeting.

Jensen stated the council may go into executive session to discuss the candidates and then come back out in open session and vote.

Wells questioned why the City Attorney discussed this issue with the Mayor and City Clerk instead of the City Council first. It is a council decision. He suggested they wait until January 31<sup>st</sup> to give people an opportunity to apply.

Jensen stated the Mayor had asked how the process had been done in the past and the City Clerk had provided minutes to him regarding Councilmember Shoemate's appointment.

Mayor Fitch questioned if the Council agreed to the process with a January 8<sup>th</sup> deadline.

Wells stated with the holidays he feel that is too quickly.

Burk suggested they set a deadline for mid January.

Mitchell suggested they set a deadline for January 20<sup>th</sup> and a discussion item be put on the January 24<sup>th</sup> agenda.

Mayor Fitch stated they could set a special meeting on January 23<sup>rd</sup> if needed.

Burk clarified that application will be available in the City Clerk's office.

AUDIENCE PARTICIPATION: None

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Burk stated he feels they are wasting their time with this sound system. The microphones are not working and his constituents keep calling him.

Bryan Long, Assistant City Manager, stated it is difficult to hear. They are pulling in Ford Audio from Oklahoma City. He believes this is a system worth keeping but they need to have an expert in to adjust it.

Wells stated Councilmember Zarle has some photos of a complete street project.

Zarle stated these are photos of 82<sup>nd</sup> Street. The sidewalks are cracking after they had been repaired.

Burk stated they are having the same problem on Flower Mound. He does not know if it is the soil, but they are also buckling. There needs to be a program to repair or replace those sidewalks that are broken.

Zarle stated Public Works is doing the best they can but we need a better way.

Jerry Ihler, Public Works Director, stated this particular project was funded 80% by the federal highway transportation and ODOT does not use any steel in the sidewalks they build. Now any time we have ODOT funding we require ODOT to use our specifications which do require steel.

Wells questioned if the council would agree to have staff look at some suggestions for the zoning codes. He feels that anytime these rezonings come before council they should be required to hold a neighborhood meeting.

Burk stated the council needs to approve staff working on an issue and he would hope the council would agree to have staff work on the issue of requiring neighborhood meetings for rezonings and for the tax credit applicants.

Wells stated he has noticed that audience participation has moved to the end of the agenda. He questioned why.

Mayor Fitch stated he would like to see those people who come to the council to complain, to have to sit through a council meeting to see what is going on.

Wells stated that council policy says it will be at the beginning under award presentations.

Mitchell stated the City of Lawton is ranked fourth out of six communities that are the best cities for starting over in 2012.

Ihler stated he received a call from Bob Rose from ODOT regarding the work that is going on at the I-44 bridge at Lee Boulevard. There have been several accidents and they are now going to close the loop for east bound traffic going north for ten to fourteen days.

The Mayor and Council convened in executive session at 8:13 p.m. and reconvened in regular, open session at 8:45 p.m. Roll call reflected all members present.

**BUSINESS ITEMS: EXECUTIVE SESSION ITEMS**

14. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Nellie Choney and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title for item #14.

MOVED by Wells, SECOND by Haywood to deny damage claim 2011-49 filed by Nellie Choney in the amount of \$5,000. AYE: Givens, Zarle, Haywood, Wells, Shoemate, Tennis, Bellino-Hall, Burk. NAY: None. MOTION CARRIED

15. Pursuant to Section 307B3 and C10, Title 25, Oklahoma Statutes, consider convening in executive session for the purposes of conferring on matters pertaining to economic development, including the purchase/transfer of property, incentive proposals, and financing in connection with the Lawton Downtown Redevelopment Project and other development projects under consideration in the City, and take appropriate action in open session as necessary. Exhibits: None.

Jensen read the title for item #15. No action was taken.

There being no further business to consider, the meeting adjourned at 8:47 p.m. upon motion, second and roll call vote.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK

